

**Background Paper for the
North American Regional Consultation
on the Commercial Sexual Exploitation of Children**

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Introduction

My friend and I would go to where these gang members hung out. They gave us free pot, coke, etc., then they said “You owe us.”...I started trying heroin, but I didn’t understand the price. They would explain, “This doesn’t come for free. You have to earn money.” They’d keep me at an apartment all day. I’d just sit there and wait for the next guy. I hated doing it, wasn’t being good at it, wasn’t doing my job properly, so he beat me up and threw me out. I had nowhere to go.

– Female experiential youth, whose exploitation started at age 12, Canada¹

Operators of the Hong Kong Spa in Washington, DC, were arrested in 1995 for purchasing underage immigrant Asian girls, one only 13 years old, in Atlantic City and transporting them to DC to work in an indentured sexual servitude arrangement. The girls had answered ads in local newspapers for restaurant jobs paying \$1,000 to \$2,700 a week but were picked up at the airport and taken to massage parlors and brothels and forced to work up 15 hours a day.

– Report by the Coalition Against Trafficking in Women²

These stories describe but two of more than one million children who are trafficked, sold, or forced into prostitution or pornography each year. In Canada, Mexico, and the United States, hundreds of thousands of children annually are sexually abused for profit. In 1996, in response to growing concerns about the protection of children and evidence of increasingly heinous violations of children’s rights, the government of Sweden hosted the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm. The Congress was planned by the government of Sweden, UNICEF, End Child Prostitution, Child Pornography, and the Trafficking of Children for Sexual Exploitation (ECPAT)-International and the NGO Group for the Convention on the Rights of the Child. The Congress brought together a diverse group of government leaders and governmental agency representatives from 122 countries, representatives of intergovernmental and nongovernmental organizations, service providers, researchers and members of the media to focus on child prostitution, the trafficking and sale of children for sexual purposes, and child pornography. At the Congress, all 122 countries accepted the Declaration and Agenda for Action, committing their national governments to confront

the insidious problem of commercial sexual exploitation of children (CSEC). The Congress attracted attention to the severity of the problem.

In preparation for the Second World Congress Against the Commercial Sexual Exploitation of Children in Yokohama, Japan, to be held December 17-20, 2001, ECPAT-USA, NGO Group for the Convention on the Rights of the Child Focal Point on Sexual Exploitation of Children, UNICEF, and the University of Pennsylvania School of Social Work will convene a Regional Consultation on Commercial Sexual Exploitation of Children in Canada, Mexico, and the United States, December 2-3, 2001. This Consultation will be the first of its kind. Concerned participants from government agencies and nongovernmental organizations, academic institutions, service providers, and the private sector in these countries have been invited to lay the foundation for developing ways to reduce and ultimately end the commercial sexual abuse of children.

National Plans of Action

The First World Congress recommended that delegates draft a National Plan of Action to address the sexual exploitation of children in their home countries. The National Plans would contain indicators of progress, with set goals and time frames for implementation, targeted toward reducing the number of children vulnerable to sexual exploitation. Canada, Mexico, and the USA all supported the Declaration and Agenda for Action of the First World Congress. While Canada does not have an official National Plan of Action along the lines of the First World Congress, it does have an integrated national strategy that government officials assert is more suitable than a formal Plan to Canada's federal structure.³ Explaining Canada's opting for a national strategy rather than a National Plan of Action, officials assert that what is most important is that each country do what it can according to its own governance structure to improve the situation of children who are being sexually exploited.⁴ Canada's strategy includes objectives, actions, partners, and key results in combating CSEC. In addition to the national strategy, Canada has a Declaration and Agenda for Action of Sexually Exploited Children and Youth that emerged from an international summit of youth convened in 1998 in Victoria, British Columbia. The summit brought together 54 experiential youth from Canada, the USA, Latin America, and the Caribbean to provide narratives on their life experiences as exploited children.

A Plan of Action to Prevent, Attend, and Eradicate the CSEC in Mexico was proposed by the Sistema Nacional para el Desarrollo Integral de la Familia (national DIF) in 1999. However, there is currently no formal National Plan of Action for Mexico. While there are movements against CSEC at the federal level, the USA does not have a formal National Plan of Action along the guidelines of the First World Congress.

The purpose of this document is to provide a background paper for use at the Regional Consultation. A discussion of the terminology used in the CSEC literature is necessary before describing the details of the exploitation in Canada, Mexico, and the USA. There are multiple definitions of the same terms in the various materials published in the three countries. Clarifying the definitions that will be used is essential to a meaningful dialogue at the Consultation.

Forms of CSEC with Definitions of Terms

The following is a list of key terms used to discuss the CSEC. For the purposes of this paper, forms of CSEC and related definitions are taken from international covenants and declarations and international organizations working in the area of CSEC.

Child: According to the definition in the UN Convention on the Rights of the Child (1989), a child is any human being under the age of 18.

Child pornography: The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000) offers the following definition: Any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Child prostitution: The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography defines child prostitution as the use of a child in sexual activities for remuneration or any other form of consideration.

Commercial sexual exploitation of children: The World Congress Declaration in Stockholm defines commercial sexual exploitation of children as sexual abuse by the adult and remuneration in cash or in kind to the child or third persons or person. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children and amounts to forced labor and a contemporary form of slavery. ECPAT and UNICEF estimate that more than 2 million children worldwide are in the sex trade.

Sex exploiter: “Sex exploiter” has been defined as “those who take unfair advantage of some imbalance of power between themselves and a person under the age of 18 in order to sexually use them for either profit or personal pleasure”.⁵ The definition is extended to include those third parties who have no sexual contact with children, but who profit from facilitating or orchestrating children’s sexual contact with another person or persons. There are four categories into which most people who sexually abuse children fall: pedophiles, preferential abusers, situational abusers, and third-party abusers.

The term “pedophile” is a clinical diagnosis referring to an adult with a personality disorder that involves a specific and focused sexual interest in prepubertal children. While there have been cases of female pedophiles, the majority of pedophiles are male. All pedophiles do not discharge their sexual urges in the same way. Some limit their sexual life to fantasy while others may engage in non-contact abuse (exposure of genital organs, showing and/or talking about pornographic material) or contact abuse (genital touching and fondling, attempted or actual anal, oral, or vaginal penetration).

“Preferential abusers” are those individuals whose preferred sexual objects are children who have reached or passed puberty. Children are the envisaged objects of their sexual desire. They have sex with children not because of some situational stress or insecurity but because they are sexually attracted to and prefer children. Such abusers are primarily men, and their victims are either male or female children.

Situational or opportunistic abusers are those who exploit children if and when they find themselves in situations where sex with a child is more convenient or cheaper than sex with an adult, but whose fulfillment is not contingent on the physical or emotional immaturity of the person they exploit.⁶ Under this category also fall men who choose children as sexual partners primarily on the basis of misconceptions about sexual health or myths surrounding the sexual contact with virgins.

According to ECPAT, there are five primary motivating factors for sex exploiters involved in the CSEC⁷:

1. Abusers who use prostitutes to satisfy what they imagine to be a biological or emotional need for a sexual “outlet” or physical contact;
2. Abusers who use prostitutes in order to obtain a sense of camaraderie with male colleagues or friends;
3. Abusers who use prostitutes in order to obtain a sense of “true” masculinity;
4. Abusers who use prostitutes to satisfy a compulsive urge to perform transgressive acts or to exercise sexual power over extremely vulnerable, powerless, objectified and/or degraded individuals; and
5. Abusers who do not wish to see themselves as prostitute users.

The motivation of sex exploiters who are involved as third-party beneficiaries of CSEC is rarely anything other than profit. These suppliers are rarely fuelled by personal sexual fixations on children, but rather by the motivation of money. Suppliers to pedophiles and other abusers justify their actions because of the demand and the fact that abusers are willing to pay money for the service. According to a 1996 estimate made by Special Rapporteur Ofelia Clacetas Santos, the sale of children, child prostitution, and child pornography net \$5 billion annually.⁸

Sexual solicitation: In the context of online victimization, sexual solicitation is defined as a request to engage in sexual activities or sexual talk or to give personal sexual information that was unwanted or, whether wanted or not, was made by an adult.

Sex tourism: Child-sex tourism is an increasingly significant component of the sexual exploitation of children. It involves individuals, mostly men from Western countries, traveling to a country with the intention of seeking out sex with children.⁹ According to ECPAT, the tourism industry is the largest employer in the world. While tourism is not the cause of child prostitution, it does provide easy access to vulnerable children.

The primary motivation behind exploiters traveling abroad to have sex with children is to experience freedom from the social constraints of their home countries. Secondly, exploiters may see the children of developing countries as inferior, which may rationalize their behavior, especially if they believe that there are no social taboos in that country regarding having sex with children.¹⁰ They may have the misconception that children are less likely to transmit sexually transmitted diseases such as HIV. An additional, unfortunate motivation is also that poor countries are often under strict economic pressure to develop tourism as a source of income. In pursuit of that income, sometimes those governments ignore the sexual exploitation of children.

ECPAT has underscored the important role that the tourism industry can play in preventing sex tourism. Airlines such as Lufthansa and Air France have produced in-flight videos to inform travelers about the laws about child sex tourism.

Trafficking of children for commercial sexual exploitation: Trafficking is the “...recruitment, transportation, transfer, harbouring or receipt of persons...” by improper means, such as force, abduction, fraud, or coercion, for an improper purpose, such as forced or coerced labour, servitude, slavery or sexual exploitation. Countries that ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Optional Protocol to UN Convention Against Transnational Organized Crime are obliged to enact domestic laws making these activities criminal offenses, if such laws are not already in place (Article 3).

“Trafficking in persons” includes a range of cases where human beings are exploited by organized crime groups and where there is an element of force involved. It also includes both domestic trafficking, where there is exploitation within a country by domestic or transnational organized crime groups, and international trafficking where there is the forced movement of people across borders.

CSEC in Canada, Mexico, and the USA

The three countries involved in the Regional Consultation have a variety of problems and approaches to the problems of CSEC. However, there are common themes across the three countries. This section of the background paper includes a detailed information profile of the CSEC issues for each of the three countries since the First World Congress. The subsections are parallel across the three and include: profiles of the children; profiles of the exploiters; trafficking; national legislation pertaining to CSEC; law enforcement; prevention, protection, and recovery programs; child pornography; and role and involvement of the private sector.

Canada

Having all the abuse in the family and all the alcohol, really there was nobody to turn to...when I did it [turned a trick] I had to cry at least 2 hours each time before I went out because I was afraid for my life...it's what I had to do to survive.

– Experiential youth¹¹

Profiles of the children

Histories of sexual abuse, poverty, and poor income and employment are recurring themes in the life experiences of exploited children, particularly those engaged in prostitution.¹² Specifically for children involved in prostitution, evidence suggests several commonalities in childhood experience: a history of family dysfunction (including substance abuse, violence, and sexual abuse), running away from home and surviving on the streets. The experience of victimization at home or in foster care is frequently part of the lives of children and youth who live on the streets. Once on the streets and separated from family, a lack of food and shelter make them vulnerable to being abused through prostitution.¹³ Research studying homeless youth further suggests that there may be a pattern of increasing involvement in criminal activity (such as drug use, theft, and prostitution) as the length of time on the street increases.¹⁴ Substantial research has also demonstrated links between high-risk behavior and exposure to drugs and violence while on the street.

Some studies indicate that homeless youth in Ottawa, Saskatoon, Vancouver, and Toronto who turn to prostitution do so as a means of survival while on the streets, although it cannot be assumed that all homeless or runaway children and youth are predictably involved in prostitution.¹⁵ There have been countless cases of homeless or runaway youth who engage in sex in exchange for food, shelter, or gifts, or to experiment with their sexuality. Survival sex appears to have gender distinctions, where it is more of a factor for females than males. A study of Ottawa street youth found that males are more

often able to stay at the home of an acquaintance while females are frequently forced to exchange sex for food, shelter, and money.

Issues particular to certain groups, such as aboriginal youth, need to be considered separately in discussing the situation of exploited children. For example, in Saskatoon many of the street youth self-identify as aboriginal. These youth seem less likely than non-aboriginal to sever ties with their families after entering the street culture.¹⁶ On the other hand, others who leave their home communities for urban areas often end up being exploited. These youth may feel doubly alienated because they may be both homeless and in a culture that is quite different from that of their home community. This can make them particularly vulnerable to sexual exploitation by pimps and other abusers.¹⁷ Canadian consultations have suggested that there is a higher level of aboriginal youth involved in prostitution in Saskatchewan and Manitoba than in other areas of the country as well as within Vancouver in some areas of the city.¹⁸

I was brought up in care, and I was abused. Care is a very tough way to grow up; they move you from place to place, you're owned by them, they can give and they can take, they choose your clothes, if you don't like it you can't change it. In care I was brought up to think all Indians were bad, gross, on welfare and then I ended up being that. I'm Metis...[and] I was made fun of. I was quite young when I started prostitution.

-Experiential female youth, Saskatoon¹⁹

Any attempts to develop a profile of youth who are involved in prostitution in Canada are difficult because of lack of information. There is some evidence that many are runaways and homeless and engage in street prostitution. However, there also are indications that some engage in prostitution even though they live at home, and some work in venues run under the auspices of other businesses such as escort agencies. The majority of youth involved in prostitution are females, although boys, irrespective of sexual orientation, are also involved in the sex trade.²⁰ Estimates of the numbers of females and males who are involved in prostitution vary. It is difficult to calculate the numbers of exploited children involved in prostitution since young people do not often come to the attention of the law or appear in official records and statistics as prostitutes.

Similar difficulties are encountered when trying to determine the age at which children and youth become engaged in prostitution. Various studies and interviews with people involved in prostitution indicate that there are youth who first have sexual relations for money as young as 6 years old.²¹ A Victoria survey and British Columbia consultations estimate age of entry between 14 and 15.5 years of age, however findings from interviews with prostitutes in Vancouver revealed an average age of entry as 16.3 for females and 15.6 for males.²² In other cities, higher age estimates are found. In Ottawa, the average age of entry was 17.8 years of age. Surveys in Montreal did not report an average age of entry, but noted that one third of the 75 prostitutes interviewed had begun prostituting themselves before the age of 18.²³

Findings from consultations support the supposition that approximately 10-15% of prostitutes on the street are children and youth.²⁴ Of the total number of people thought to be involved in street prostitution in Vancouver in 1996 (estimated to be between 300 and 450), social agencies and advocates estimate that approximately 30 to 40 at any point in time were believed to be youth, many of them aboriginal. Furthermore, a 1987 study of street prostitution in Montreal obtained estimates of the number of youth involved in prostitution ranging from 80 to over 5,000. Apparently, these differences are the result of different definitions of prostitution.²⁵

It should be noted that there are also children and youth who become engaged in other facets of prostitution. In some jurisdictions in Canada, it seems that children and youth are also becoming caught up in the more serious forms of prostitution-related offenses, such as procuring and pimping other children and youth. Estimates of the number of children and youth involved in these activities is unknown.²⁶

I grew up in a very dysfunctional family: there was always more drugs and booze than food in the fridge at any given time. I was raped in 1992, and even the police stated that it was the worst rape of a female they had ever come across. And my dad said, “You’re damaged goods, you’ve always been damaged goods, and you’ll never be anything else.” But at least when I’m out working, I’m not waking up to find my dad in my bed.

– Female, started prostitution at age 14, Winnipeg²⁷

Profiles of the exploiters

Prostitute users encompass the categories of the sex exploiter discussed above. There is evidence of pedophiles and preferential abusers as well as situational abusers and third-party exploiters. Child sex exploiters in Canada are drawn primarily from the following groups that are typically prone to prostitute use: the military, seamen and truckers, temporary farm workers, traveling businessmen, tourists, expatriates, aid workers, employers of domestic workers in addition to local prostitute users.²⁸

Research in British Columbia found that there are at least two categories of pimps: professional pimps and “popcorn” pimps.²⁹ A professional pimp has control over a number of girls while a “popcorn” pimp is typically a casual boyfriend or associate on more equal footing with the female (the girl sells sex, the boy sells drugs, and they share the earnings.)³⁰

Exploiters are skilled in identifying areas in local neighbourhoods, particularly where youth are unsupervised, to procure children for the sex trade. Popular recruiting places include malls, video arcades, fast food restaurants, record stores, community centres, bus stations, and movie theatres.³¹

Trafficking

Trafficking of children in Canada is a significant problem, both internationally and domestically, especially in the larger cities such as Vancouver, British Columbia, and Toronto, Ontario. According to an American INS agent, a group of American and Canadian exploiters calling themselves “the West Coast Players” are actively involved in trafficking Canadian children to Los Angeles for the sex trade.³² Canadian law enforcement officials also believe that American girls are being trafficked into Canada from the USA. In 1998, an exploiter and his co-defendants were convicted on eight counts of transporting minors from Canada across the USA-Canadian border and across state lines for prostitution.³³ Traffickers have flown into Toronto and Vancouver and transported women and children over land into the USA. Toronto is a popular transit point with the Russians as there are over 150,000 Russians living there.³⁴

National legislation pertaining to CSEC

While prostitution is legal for adults in Canada, selling sex is illegal for minors under the age of 18. It is a criminal offense for anyone to profit from prostitution of

another person under the age of 18 years. This includes aiding, abetting, counseling, or compelling the person under age 18 to engage in prostitution with any person, and using, threatening, or attempting to use violence, intimidation, or coercion.

Provincial legislation designed to protect children from sexual exploitation has made extensive headway. British Columbia's Child, Family and Community Services Act contains a reference to sexual exploitation as a basis for taking a child into care. It also provides for the use of restraining orders against adults who are believed to be exploiting the child, such as a pimp. In Alberta, the Child Welfare Act defines a child in need of protection as one who is sexually abused, and defines this abuse as including prostitution-related activity. Section 1 (3)(c) states that a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behavior, including prostitution related activities. Under the Protection of Children Involved in Prostitution Act (1999), the Alberta Government has introduced programs and services to help children end their involvement in prostitution, either voluntarily or involuntarily. A child who wants to end his or her involvement in prostitution may access community support programs. A child who does not want to end his or her involvement in prostitution can be apprehended by police. Police officers then take the child to a protective safe house, where he or she can be confined for up to 5 days (under amendments to the Act in March 2001, the length of confinement was increased from 72 hours to 5 days). In particular cases, a child may be confined for up to two additional periods for a maximum of 21 days each. In a secured facility, the child receives emergency care, treatment and an assessment. Additionally, child welfare workers develop a long-term plan for the child. This legislation also introduces legal penalties for consumers of prostitution and pimps, who can be charged with child sexual abuse and fined up to \$25,000, jailed for up to 2 years, or both fined and imprisoned.

One legislative hindrance in protecting children has been the differences in defining age of consent and age of maturity. Currently, under the Criminal Code, anyone who is 14 years of age or older can consent to most forms of non-exploitative sexual conduct without criminal consequences. However, many who work in this area, particularly in British Columbia, feel that 14 years is too young for a person to knowledgeably consent to sexual activity with an adult.³⁵ The Criminal Code delineates the circumstances under which a child may legally consent to sexual activity and the defenses that apply to some of these offenses, such as mistake of fact. For example, consent by complainants under 14 years of age is not a defense to specified sexual offenses, including sexual interference (Section 151), invitation to sexual touching (Section 152), and sexual exploitation (Section 153). The first two offenses, which apply to persons under the age of 14, are punishable by no more than 10 years on indictment or a maximum of 6 months on summary conviction. The offense of sexual exploitation (Section 153) prohibits the same type of conduct set out in Sections 151 and 152 in respect of persons from 14 to 17 years of age, where an accused is a person in a position of trust or authority or where an accused is someone with whom such a complainant is in a relationship of dependency. However, this offence is punishable only by a maximum penalty of 5 years imprisonment on indictment or 6 months on summary conviction. It has been suggested that the penalty under Section 153 should be raised to the same level as that available in the case of complainants under 14 years of age (Sections 151 and 152), such as a maximum penalty of 10 years imprisonment. It would seem that through legislation, the worst cases involving complainants between 14 and 18 years of age would not be considered as serious as those involving complainants under the age of 14.

Another form of CSEC, child pornography, is defined in the Canadian Criminal Code as (a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means, (i) that shows a person who is or is depicted as being under the age of 18 years and is engaged in or is depicted as engaged in explicit sexual activity, or (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of 18 years; or (b) any written material or visual representation that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act. Individuals can be prosecuted for producing, distributing or selling child pornography or for being possession of child pornography. It is also a criminal offense to send obscene materials through the mail or over the Internet if they fall under the auspices of child pornography.

On March 15, 2001, Bill C-15, An Act to amend the Criminal Code and to amend other Acts, was introduced for first reading and debated at second reading in May, 2001, in the House of Commons. The bill strengthens the protection of children online by combating cyber crime, creating a new offence that targets the luring and exploitation of children for sexual purposes via the Internet; makes it a crime to transmit, make available, export or access child pornography on the Internet; allows judges to order the deletion of child pornography on the Internet and to seize materials or equipment used; enables judges to keep known sex offenders away from children through prohibition orders and 1-year peace bonds for offenses relating to child pornography on the Internet; and amends the sex tourism law (former C-27) to make it easier to prosecute Canadians who sexually assault children abroad.³⁶

Law enforcement

One of the problems in identifying the number of exploited children involved in prostitution relates to the different ages that are used to refer to them. The Badgley Committee defined “juvenile prostitutes” as individuals under 20. The Fraser Commission addressed those under 18, while still others describe children as persons under 16, especially when viewing them in the context of child welfare concerns. These distinctions may account for different explanations of what is meant by “youth involved in prostitution” and how much of it exists. The maximum age referred to in the definition of “young person” included in the *Young Offenders Act* is a person under 18 years of age. This is consistent with Parliament’s view that prostitution of young persons under the age of 18 represents sexual exploitation. According to Parliament, these youth should be protected, as signified by the creation of the offense contained in Section 212(4) of the Criminal Code (i.e., obtaining the sexual services from a person under 18 years of age). There is further disagreement over definitions of whether a youth is actually involved in prostitution. A Montreal study of street prostitution reported that police defined “juvenile prostitute” more narrowly than did social workers, who included youth involved in the exchange of sex for consideration, including food and shelter.³⁷

Some estimates of youth involvement are made by analyzing arrest statistics for Section 212 of the Canadian Criminal Code. Between 1986-1990, approximately 10-15% of prostitutes arrested under the Communicative Provision of the Criminal Code were in the young offender age category—the majority were 16 or 17.³⁸ There were a handful of reports of 14- or 15-year olds. The number of young persons charged continued to decline until 1995, when only 3% of charges for prostitution offenses were youth from 12 to 17 years of age. The small numbers of youth who are charged with prostitution-related

offenses most likely reflect police enforcement patterns as opposed to the real number of youth involved in street prostitution. Some police departments have asserted that youth should be treated as victims rather than criminals and in such cases should not be arrested unless there is no other vehicle for getting them off the street and out of danger. Thus, unless charges are brought under Subsection 212(4), youth involved in prostitution are practically invisible.³⁹

A survey of youth in the Victoria, British Columbia, area who self-identified as working in prostitution revealed an interesting pattern illustrative of the law enforcement policy there. The majority of the 75 youth interviewed had been picked up by the police at some point in their lives (77%); however, of those who had been picked up, most were either simply taken home (47%), lectured about the dangers of the sex trade (43%) or taken to a shelter, social worker or clinic.⁴⁰ Fifteen percent of the 75 youth in the sample had been arrested for communicating for the purpose of prostitution; all of them were under the age of 24. None of the youth who were under 18 when the interview occurred reported that they had been arrested for this offense.

I don't want somebody coming up to me saying 'you're wrong, you're doing it because you're stupid'. You need somebody out there who actually has had experience, somebody to tell you their story: 'This is what I did to get out of it; this worked for me, it might work for you, it might not and it if does great, and if it doesn't we'll find some other way'.

– Female youth, Vancouver, British Columbia⁴¹

Prevention, protection, and recovery programs

Education programs about the realities of exploitation could prevent some youth from being lured into this situation as well as decrease the tolerance for exploiters. In British Columbia, Alberta, Saskatchewan, and Nova Scotia, programs portraying the procurement of youth for sexual purposes as child sexual abuse have been seen to be relatively successful in changing public attitudes.⁴²

One method of protecting exploited children and helping them recover is the integration of enforcement efforts against exploiters with social supports for children and youth. In 1996, the Provinces of Ontario and British Columbia instituted a Provincial Prostitution Unit (PPU) within their police forces that targets the sexual exploitation of children.⁴³ British Columbia's Provincial Prostitution Unit assists police in enforcement operations targeting exploiters of children and youth. The Unit ensures that social supports are available: a social worker accompanies the police and provides immediate support to the youth, talks to him or her about options and where possible, ensures that the child is referred to appropriate services. This immediate support not only helps ensure that the youth will feel able to testify in court, but may help him or her to get the supports needed to leave the sex trade. The PPU has also developed training strategies for police, Crown, and judges regarding both innovative enforcement strategies as well as information on the dynamics of the sex trade and the victimization of youth.

In Victoria, British Columbia, PEERS (Prostitute Empowerment, Education, and Resource Society) provides peer outreach, support, advocacy, and education for young people wishing to exit the sex trade. The Society focuses on prevention, harm reduction, advocacy, and public awareness. Established by ex-prostitutes and community supporters, PEERS program objectives include conducting outreach activities with sex trade workers

and providing support where appropriate to reduce harmful effects of the trade; increasing public awareness and understanding of the impact of youth and adult prostitution as part of their prevention strategy; acting as advocates for current and exited sex workers in legal, housing, and welfare rights to facilitate access to services and respect for their rights; and providing information and training programs to former and current sex trade workers to reduce harmful effects and/or assist them in exiting the trade.⁴⁴

Nova Scotia has developed a successful model for providing witness protection programs for youth that have assisted many of them to eventually leave the street. The Nova Scotia Task Force used a number of intermediate strategies to address the needs of potential witnesses, rather than enrolling them in a full witness-protection program. These strategies include police personally assisting witnesses to find supportive resources, assisting them in finding and moving to a new apartment, and other strategies that give the witness added security.⁴⁵

Child pornography

In Ontario, the Ottawa-Carleton Regional Police Service established a High Tech Crime Unit composed of four officers who deal with child pornography and the enticement and seduction of children on the Internet. The Unit created a Cyber Investigation Course for use by Canadian cyber investigators in cooperation with the National White Collar Crime Centre.⁴⁶

Role and involvement of the private sector

Even with the advent of the Internet and the ease of transfer of electronic images downloaded directly from digital cameras, print photography still plays a major role in the sexual exploitation of children. The private sector can be very influential in providing information about incidents of child pornography. Photo processing shops can help in reporting any questionable images developed in the shops. A large photo-processing company in Canada has a policy requiring police reporting where employees find questionable material in clients' films.⁴⁷

Status of Women Canada (SWC) partnered with Kids Friendly in Vancouver to pilot Stolen Innocence: A National Education Campaign Against the Commercial Sexual Exploitation of Children, in cooperation with the travel and tourism industries.⁴⁸

Mexico

A recent study found that over 16,000 children in Mexico are being sexually exploited⁴⁹. The escalation in CSEC cases has been traced to several factors, the most salient being (a) poverty, (b) exploitation by family members/family friends, (c) participation in survival sex, (d) recruitment by organized crime networks, and (e) trafficking of children for sexual purposes from underdeveloped countries to developed countries.⁵⁰ While the correlation between poverty and CSEC is strong and poverty has been found to explain involvement of substantial numbers of children in sexually exploitative activities, poverty alone, cannot explain the large number of children under 16 years of age who are recruited for these activities.⁵¹ Other studies show a strong relationship between sexual victimization of children and adolescent pregnancies, adult prostitution, substance abuse, violence, and other types of adult criminal behavior. Further

factors that have been proposed to explain CSEC include: pedophilia, accessibility, ineffectual legislative control, debt bondage, sadomasochism, intergenerational prostitution, and sex tourism profits.⁵²

The border towns of Ciudad Juarez and Tijuana are both transit zones and receiver zones. They serve as a way station for persons who want to cross the frontier legally or illegally and a receiver zone for individuals who are returned and who, in many cases, remain in the area in order to make another crossing attempt. In 1998, approximately 12,365 children were repatriated along the Mexico/U.S. border. Of that number of children, 1,706 were repatriated from El Paso to Ciudad Juarez. In 1999, the total number of repatriated children decreased to 10,740 but the number of those children repatriated from El Paso to Ciudad Juarez increased to 2,637.⁵³ Other factors come together in border towns to create a welcoming environment for the local sex trade: (a) the flow of people with no or few job skills who often arrive without family or resources but with an urgent need for income, (b) the demand for these services by local clients and persons who are in transit and have left their families somewhere else, and (c) tourists who cross the border with the specific purpose of sexual exploitation.⁵⁴ The infrastructure of these cities is insufficient to meet the needs of these children, who often are abandoned and living on the streets.

Sexually exploited children are at great risk for contracting sexually transmitted diseases (STDs). In 1999, health officials in Ciudad Juarez reported that there were 35 new cases of AIDS reported among young people and minors that prostitute themselves.⁵⁵ In that same year in Guadalajara, within the group of boys and girls ages 5 to 14, there were a total of 419 cases of STDs which included 2 cases of AIDS. Sexual exploitation of children occurs in places which operate under different auspices than adult brothels, which makes it very difficult for health control officials to track and treat exploited children. For example, covert prostitution has been found to take place in massage parlors, beauty parlors, and modeling and escort agencies, but health officials do not have entrè into those establishments because they are not registered as places where adult prostitution occurs. Only children who work in places subject to obligatory health control receive medical attention; the remainder of boys and girls who are being sexually exploited receive none.⁵⁶ Additionally, when children are rotated around the country by organized criminal networks, any kind of continuity of care (which includes treatment as well as immunizations against communicable disease) becomes impossible, putting the children's health in even greater jeopardy.

I have a friend who has a daughter and she's only 13 years old. She's still a baby; I'm still a baby. Every time I see her, her baby is dirty and crying, looking like it hasn't been fed...it's so scary to see it, it rips me up to see young girls like that who are out there thinking that they have to do this.

– Experiential Youth⁵⁷

Profiles of the children

Boys and girls involved in commercial sexual exploitation have been found to be as young as 8 years of age, although the majority is between 12 and 17 years of age.⁵⁸ In Mexico City, an NGO study found that 50% of the females involved in prostitution in the area were minors, and the majority of that group was 15-16 years old.⁵⁹ The background and current environment of children who are being exploited contain several common

factors that fall under the categories of abuse history, familial circumstances, at-risk status, and socioeconomic status.

A substantial amount of research in many countries has shown a link between child exploitation and emotional, physical, and/or sexual abuse by family members.⁶⁰ In particular, in Guadalajara, a religious organization that cares for children who are exploited estimated that 70% of the children in their care were victims of sexual abuse at home.⁶¹ In these cases the boys and girls show an important loss of self-esteem that makes them susceptible to new outrages since their defenses are weak and the support they might obtain from the family who has already subjected them to violence is questionable.

Family abuse history as well as current status contributes to children's susceptibility to exploitation. The Observation Centre for Young Offenders in Guadalajara found the most important factor to the situation of child exploitation was parents' or stepfathers' alcoholism and subsequent violent behavior.⁶² In many cases, child prostitution has been found to be promoted by family members. Familial abuse not only scars children, but also plays a role in driving children from their homes, which in turn leads to the children's rootlessness. Disconnection from one's familial network, although perhaps beneficial in that the experience of family abuse ends, increases the vulnerability of children who are forced to make their own way. Child exploiters prey on such children, portraying themselves as protectors and oftentimes providing children with food and shelter. Particularly if they are from rural areas, children often move to larger towns and cities. There they can be forced into prostituting themselves in order to survive, may get caught by procurers who "sell" them to brothels or bar owners and entrench them in a world of debt bondage, or try to crossing a border to find employment that provides a livable wage.

The existence of drugs has become central to the exploitation of children in Mexico. Children who may become addicted to drugs before being exploited often find their way to prostitution to pay for their addictions. In semi-organized/organized prostitution settings, exploiters will use drugs purposefully as a tool to ensure the continuation of their profits from child prostitution. Exploiters will get children addicted to drugs, thereby ensuring the children's need to continue prostituting themselves in order to pay for their addiction. Azaola (2001) found this occurring in Mexico's largest cities. In some cases, children are also used in drug trafficking.

In Mexico, poverty can play an important role in leading children into a situation where they are exploited. Rural and urban poor families struggle with deteriorating living conditions. However, many children recruited into prostitution also come from middle-class backgrounds. In many cities throughout Mexico, groups of girls from higher socioeconomic backgrounds are exploited by organizations that arrange private parties or arrange for the adolescents to offer their sexual services in hotels in the tourist zones.⁶³ In Guadalajara and Puerto Vallarta, for example, one company organizes girls, most of whom are students from middle-income families, to work in area hotels.⁶⁴

Profiles of the exploiters

In Mexico several factors converge to create an appropriate atmosphere for the facilitation of the exploitation of children. Several transit zones in Mexico bring in temporary farm workers, illegal immigrants, polleros (traffickers of illegal immigrants over the border), truck drivers, traveling businessmen, military personnel, and seamen. These groups are characterized as being predominantly male populations who have no

family nor are looking to establish roots in the transitory communities. This lack of roots unites them, and historical and contemporary evidence have shown that this rootlessness is linked to prostitute use. The majority of men belonging in these groups are situational abusers, whereas they come to sexually exploit children through their prostitute use, rather than using prostitution as a means of access to children.

In addition to the groups that are most often situational abusers mentioned above, pedophiles and preferential abusers come to Mexico as tourists with the primary purpose of having sex with children. The majority of sex tourism exploiters are male. Massage parlors, escort and modeling agencies, in spite of not being authorized to provide these sexual services, offer and promote sex with children openly in the media. The following are some examples from Acapulco: “School girls and ardent young boys. The best services you can find. Just dare!” and “All you desire! Beautiful, precocious young girls. Just what you deserve.” In Puerto Vallarta and Guadalajara, researchers found evidence of organized sex tourism with boys.⁶⁵ In the border town of Tijuana, sex tourism is something that happens daily as Americans cross the border with the purpose of having sex with minors. These “sex tourists,” often relatively affluent compared with the socioeconomic level of the children they are exploiting, take advantage of the destitution of these abandoned and neglected children.

While pedophiles, preferential abusers, and situational abusers benefit from the sexual exploitation of children directly, third-party exploiters benefit as well. Taxi drivers play an important role as middlemen between tourists and the various options offered by the sex trade in the area. They know girls who work in the milieu and transport them and, even though they sometimes consider themselves to be their protectors, can also be their pimps.

Trafficking

Domestic and international trafficking and the sale of children are widespread throughout Mexico, and is a lucrative business. Research has uncovered the recruitment of children as sex workers by organized crime networks. In one trafficking case, Mexican traffickers made approximately \$2.5 million over 2 years by forcing Mexican women and girls into prostitution.⁶⁶ Sale of children for sexual purposes can take the form of girls who are given in marriage to older adults who give economic benefits to the family in exchange. In other cases, children are also sold by their parents, bought by middlemen, and sold again to American families.⁶⁷ This has been reported in Ciudad Juarez and Tijuana. Second only to Mexico City, Guadalajara reports the greatest number of stolen children each year. In that number is included cases of children who have been in the custody of public and private institutions in the city and the participation of officials in granting irregular adoptions.⁶⁸ Young girls from Veracruz are trafficked across the northern border and forced to have sex with migrant workers in the southeast United States.⁶⁹

In Tapachula, which borders Guatemala, children are especially prone to abuse. Hundreds of children cross the border each year from El Salvador, Guatemala, and Honduras.⁷⁰ Some children, mostly girls, are “bought” by club owners from procurers who find them in their villages within the state or across the border and bring them along under duress or under false pretenses with phony promises of work. The girls begin working in order to pay the debt the owner paid for them, plus the amount the owner charges for food and lodging. This system of perpetual debt forces them to stay in servitude. Other children from El Salvador and Guatemala reported that they had traveled with adults who had paid

for assistance with illegal migration into the USA and who had used Mexico as a transit country.⁷¹ According to the US State Department's 2001 Trafficking in Persons Report, children from Central America, China, and Eastern Europe have been trafficked through Mexico to perform commercial sex work in the USA, Canada, and Japan.⁷² Additionally, illegal status compounds the children's problems as they are much less likely to prosecute their exploiters for the abuse they have suffered as that could lead to deportation.

National legislation pertaining to CSEC

Mexico has various articles of legislation pertaining to CSEC. The Federal Penal Code does not ban prostitution among persons over 18 years of age, neither in the case of the person who practices it or the one who requests it. They do, however, prohibit exploitation with the objective of profiting from the sexual work others do, regardless of whether they under or over 18 years of age.

The Federal Penal Code declares that the procurement, facilitation, and force of a child under 18 years of age to perform acts of pornography, prostitution, consumption of narcotics, and/or commit criminal deeds is a criminal offense punishable by a prison term at least 5 years in length (Articles 201, 201 bis.). While few states explicitly delineate child pornography as a crime, the crime of "corruption of children" can be applied to sanction these activities. Article 208 states that the person who promotes, conceals, or permits the carnal intercourse of a child under the age of 18 will be sentenced to 8 to 12 years in prison. However, each of the 31 States has its own penal code. In the State of Quintana Roo in which Cancun, a major tourist destination and site of CSEC, is located, age of majority for criminal matters is 16 so it is considered that after that age they are no longer children.

Trafficking of children was recently characterized as a crime, although it is not included in the legislation of all the states and children 16 and older are not included in the legislation's protection. According to Article 366 (Trafficking in children), a sentence of 25 to 50 years in prison will be applied when liberty is taken away in order to take a child under 16 years of age out of the national territory with the purpose of obtaining an unlawful profit from the sale or delivery of the child. This mismatch between the state and national age of majority leads to reduced protection for children.

Recently incorporated into the Federal Penal Code is a law to combat sex tourism. Article 201 bis 3 makes a criminal offense any person who promotes, advertises, invites, facilitates, or negotiates, by any means, the movement of a person(s) inside or outside national territory with the purpose of having sexual relations with children under 18 years of age. This is punishable by a sentence of 5 to 14 years in prison.

Law enforcement

During 1998, the authorities of the Attorney's Office for Justice in Guadalajara carried out 186 preliminary investigations into the corruption of children and 133 in 1999 for different motives not necessarily linked to sexual exploitation. From a total of 319 investigations, only one person was remanded for the corruption of children and two for inciting children to prostitution.⁷³ This demonstrates the difficulty of prosecuting exploiters, as very few cases are prosecuted and even fewer end in the trial of the persons responsible. In Cancun, local police reports demonstrate the lack of proportion of prostitution cases in the different areas of the city brought before judges during 1999. Out

of a total of 638 cases, only 21 were from the tourist hotel area while 449 corresponded to poorer areas of the city. This inequality illustrates a situation where local law enforcement is more interested in controlling the sex trade in poorer areas as opposed to intervening in the lucrative hotel zone.⁷⁴

There are two significant reasons why very few cases of sexual exploitation of children are prosecuted. First, even in cases where children press charges, often the children drop the charges because the exploiters threaten them or their family or pretend that they are the children's godfathers or benefactors. Second, the difficulty of prosecuting exploiters is compounded by the complicity of some members of local law enforcement in the sexual exploitation of children. In the border city of Tapachula, local children as well as children from Central America work in the bars in the red light district. While there is fear of raids by the police which could lead to deportation for the undocumented children, Azaola (2001) through interviews found that raids did not happen very often since the bar owners buy police protection. Additionally, in some cases, children working in the district, with or without documents, are victims of extortion by the police. This was also found in Tijuana, where children interviewed stated that not only were they victims of extortion by police officers but some police officers were pimps as well.⁷⁵

Very few cases are tried and aggressors rarely go to prison. Even those cases in which children have been raped or suffer sexual abuse, there is a quite generalized attitude on the part of the families in the sense of not pressing charges to avoid scandal.⁷⁶ Additionally, often charges are not pressed against exploiters because families fear reprisals. Tightening Mexican laws will not be enough if they are not exercised or their violation is tolerated in practice. This situation allows exploiters to continue to act with impunity.

Kids can't get a job or into school or collect welfare because they need ID and a place to live, they don't have ID because someone wants to find them that they are afraid of – the public needs to be aware that some people can't get a job, can't get welfare ... prostitution is the only job you don't have to apply for.

– Male youth, Toronto⁷⁷

Prevention, protection, and recovery programs

In the major Mexican cities where CSEC has been found to be thriving, there appears to be a lack of programmatic and institutional responses available to children who have been sexually exploited. There are few government institutions that provide shelter for children living in the streets. Most of the shelters available do not have specific programs to provide specialized care to the child victims of CSE. Furthermore, there are no adequate programs for children with addiction problems. In Cancun, which reports at least 700 boys and girls who are being exploited, there are only two civil homes for children who have been abandoned or maltreated and a government home, Casa Filtro, provided by the municipal Sistema Nacional para el Desarrollo Integral de la Familia (DIF).⁷⁸ This home receives about 400 children each year, from newborns to 16 year olds. Although it has at times received girls and boys who work in the sex trade, they recognize that these cases are beyond their competence because they would require specialized attention that they are not a position to provide. Neither are they in a position to receive adolescents with severe addiction problems. DIF also runs another home in Tapachula that serves a wide range of people from small children to the elderly. However, the institution

does not have specific programs for child or adolescent victims of sexual exploitation. In Guadalajara, there are about 30 homes for children that have been abandoned or maltreated, most of which are private institutions run by religious orders. Only one of them, which is run by nuns, has specialized care programs for the girl and boy victims of sexual exploitation.

There are several programs that are striving to make a difference in the lives of exploited children. For example, the Attorney's Office for the Defense of the Child, the Woman and the Family and the Attention Centre for Border Children in Ciudad Juarez provide legal and psychological services for all child victims of different types of abuse by request. The Office and the Centre have collaborated in trying cases and in-following up of exploitation before the corresponding authorities.⁷⁹

Another example of good practice is found in Mexico City. El Caracol offers street children and youth an educational alternative by providing productive workshops where young people can acquire values, skills, and incomes. Participants include children and youth aged 15 to 23 living on the streets of the city who have shown potential for productive lives and successful reintegration into society. El Caracol's program focuses on prevention, healing, and making connections with street children and youth. Program objectives include providing training to children and youth living on the streets, giving them the opportunity to develop and reintegrate into society; supporting youth at risk before they end up on the streets; and providing and training staff of other institutions to assist them in working appropriately with homeless children and youth.⁸⁰

Casa Alianza has a program designed to meet the particular needs of children living on the streets. The programs' four components include: (a) Outreach: Outreach teams provide children living on the streets with emergency medical care, counseling, nonformal education, and friendship; (b) Crisis Centers: As children are encouraged to leave the streets, Casa Alianza offers a structured, supportive, secure environment providing food, clothes, medical treatment, and educational and vocational training; (c) Transition Homes: After the Crisis Centers, children are transferred to Transition Homes run by staff trained to help children develop long-term goals; and (d) Group Homes: The last component of the program replicates a positive family environment and provides nurturance by a team of counselors. Each group home accommodates approximately 14 boys and girls.⁸¹

Child pornography

The use of children in producing pornographic material is widespread throughout Mexico. In most of the major tourist areas, the victims are often, although not exclusively, children who live on the streets.⁸² Major players are expatriates, particularly American and Canadian nationals, who purposely visit tourist spots in order to exploit children for pornographic purposes. In Acapulco, there have been cases of expatriates who have lured children to their houses in the area and have kept them there locked up for days or weeks while the pornographic materials were produced.⁸³ These expatriates collaborate with local exploiters in organized networks where they buy children from the poorest areas of the country and then move them around from one place to another. Keeping the children under the influence of illegal substances inhibits their running away.

Often progress in combating CSEC is coupled with steps back. In 1998, a group that was distributing videos and pornographic images using children over the Internet was shut down.⁸⁴ However, in 1999 in Puerto Vallarta, several Mexicans and expatriates who

were involved in procuring children for pornographic purposes were arrested, but they were allowed to go shortly afterwards.⁸⁵

The situation is similar in Tijuana. Child pornography happens frequently, in particular with children who prostitute themselves and are further exploited by Americans who offer them an additional payment to let themselves be photographed.⁸⁶ Although it is widely known that child pornography is something that happens often, law enforcement officials emphasize the difficulties they face in prosecuting these cases since they have not found a technique for getting the children to agree to prosecute and collaborate with the investigations. Police officials need to respond appropriately to the reality that children who prosecute exploiters are most often jeopardizing food, shelter, and other subsistence needs.

Role and involvement of the private sector

Of the three subsectors traditionally associated with CSEC, travel and tourism, media, and new technologies industries, the most central to Mexico's CSEC problem appears to be travel and tourism. A great deal of the CSEC activity occurs in the tourist areas of Mexico; the Mexican travel and tourism industries are a logical source of action. Internationally, 93% of CSEC activities take place in hotels.⁸⁷ This finding is in step with research in Mexican tourist areas where hotel managers and other employees turn blind eyes toward child prostitution in their midst. In some cases, exploited children work and live in hotels, such as those in Cancun's tourist zone. An analysis of local police reports in Cancun demonstrates that police officers focus more on policing poorer areas than the hotel zone, even though there is substantial visible activity in both areas.⁸⁸ In Guadalajara, researchers found that most of the girls, as young as 8 years of age and up to 17, prostituted themselves in the hotels in the central zone of the city.⁸⁹

The burgeoning maquiladora industry plays a key role in the growing number of exploited children in Ciudad Juarez. More than 250 companies operate in the area, preferring to employ young women and minors. Women and children perform tedious work for low wages. However, for many who come to this area, the poverty that drove them from their home villages or towns was worse. The growth of this sector has attracted important contingents of young women and minors from both the locality and rural areas of other states who move to the town with the expectation of obtaining employment and settling down there, or getting enough money to cross the border. Local firms could make an important contribution by providing child care services to employees. Unfortunately, hardly any firms offer these services, which means that a substantial number of children are left alone during the day. This is considered to be the origin of the large number of children who from an early age spend a lot of time on the streets, leave home, take drugs, and/or join gangs.⁹⁰

Media involvement is also crucial to making progress in the elimination of CSEC. As mentioned above, advertisers in the print media market sex with children overtly. However, there have been instances of media cooperation. Until a recent crackdown by the municipal authorities, Cancun was one of the major centers for child sex tourists and pedophile groups, both foreign and local. Now there are concrete symbols that tolerance of child sexual exploitation is decreasing: around the city, billboards and taxis display signs reading, "No sex with children".⁹¹

To galvanize support from the legal sector, Bruce Harris, Latin American Regional Director for Casa Alianza, spoke to the annual conference of the International Bar

Association on November 1, 2001, in Cancun. Twenty-five hundred lawyers from 158 countries, including 500 delegates from the USA, heard Harris' presentation on the international trafficking of Central America's children. He called for lawyers at the conference to contribute their efforts in halting the trafficking of infants and children. Additionally, attendees participated in more than 100 sessions covering a wide range of business, human rights and professional issues, including the focus on the trafficking of children.

United States

The growing number of children involved in commercial sexual exploitation in the USA has been termed a "silent emergency".⁹² Conservative estimates vary from 100,000 to 300,000 children⁹³; other sources calculate that there could be 500,000.⁹⁴

Profiles of the children

There are numerous factors that converge to create a climate where the sex trade can thrive. In the USA, poverty is a critical contextual factor in CSEC. Poor children and adults driven by dire circumstances become caught up in sexually exploitative activities.⁹⁵ Thirty-seven percent of children under 18 are categorized as poor in the USA even though they make up only about 26% of the total population.⁹⁶ In addition to poverty, research findings support the assertion that children with histories of family dysfunction, familial or personal drug addiction, and recurrent school and other social failures are more vulnerable to CSEC.⁹⁷

For a substantial number of children, sexual exploitation begins with sexual assaults by family members. Numerous studies have shown a link between child exploitation and emotional, physical, and/or sexual abuse by family members.⁹⁸ Researchers analyzing reports filed with the National Child Abuse and Neglect Data System found that there are 105,000 new cases of child sexual abuse confirmed to occur each year in the USA. Estes and Weiner (2001) found that up to 40% of girls and up to 30% of boys who are victims of sexual exploitation have been victims of physical or sexual abuse at home. Estimates of the prevalence of incest among prostitutes range from 65% to 90%. The Council for Prostitution Alternatives, Portland, Oregon Annual Report in 1991 stated that: 85% of prostitute/clients reported history of sexual abuse in childhood; 70% reported incest.⁹⁹ Although child prostitutes are not always runaways, there is a close link between the two. Runaway children often see prostitution as the only option to make money while living on the streets. Since child prostitution is so closely connected to the issue of runaway children, preventative measures for both should be explored. The probability that homeless children will engage in survival sex is increased for those who have been victimized.¹⁰⁰ One youth shelter in a large, urban northwestern city reported that 60% of homeless girls they served had been sexually abused.¹⁰¹

Studies have found children as young as 8 in the sex trade in the USA, while the majority of exploited children range in age from 13 to 17.¹⁰² Most of these 13- or 14-year-old girls were recruited or coerced into prostitution. Ethnic composition of exploited children varies by region, although the majority is Caucasian. In Seattle, researchers found that 65% of homeless children who were involved in some type of sexual exploitation were Caucasian, while 14% were African American, and 3% were Asian/Pacific Islander.¹⁰³ The proportions change somewhat in the southern part of the country. Findings in New Orleans revealed 61% Caucasian, 36% African American, 2% Hispanic, and 1%

Other for the same group. However, in New York City, service provides estimate that the large majority of prostituted children are African American and Hispanic.

The most tangible consequence of involvement in juvenile prostitution is the extremely high probability of suffering violent assault. The vast majority of female prostitutes are beaten by their pimps and abused by their customers repeatedly. Rape is often a common-place experience for girls involved in prostitution, with up to 70% of female-juvenile prostitutes admitting that they have been raped by customers an average of 31 times per prostitute.¹⁰⁴

Girls were found to be primarily involved in exploiter-controlled prostitution, including street prostitution and prostitution organized through massage and escort agencies. Boys, on the other hand, were found to be primarily engaged in entrepreneurial prostitution and pornography. Significantly, in terms of providing appropriate services to boys trying to leave the sex trade, 25-35% involved in commercial sex self-identify as sexual minorities, such as gay, bisexual, or as transgender or transsexual.¹⁰⁵ Substantial percentages of children involved in the sex trade have been removed from their homes by Child Protective Services, have spent time in foster care, and have had parents with substance abuse problems.¹⁰⁶

I think you should do something about the johns. They should be charged for sex abuse of young girls, not just given a slap on the arm. The johns...are the trade. They always blacklist the prostitutes, but they should do something about the johns. Put them in jails, and when they are in there, give them some help to stop them doing this, because they are very sick people.

– Experiential female youth, started at age 14¹⁰⁷

Profiles of the exploiters

According to current research, nearly all offenders of sexual assault reported to law enforcement (96%) are male.¹⁰⁸ While the majority of these offenders are adults, 23% of all sexual assaults against children are committed by juveniles under the age of 18 and 22% are committed by adults between 18 and 24 years old.¹⁰⁹

Evidence of participation in CSEC in the USA comes from each exploiter category mentioned above. Pedophiles, preferential abusers and sex tourists plan their vacations around the purpose of having sex, primarily with children, as this is highly stigmatized, illegal, and difficult in their home countries.

Situational or “opportunistic” exploiters do not indicate a sexual preference for children but instead have sex with children because children are available. Most prostitute users fall into this category. Nearly half of prostitute users have been found to be married men, often with children. The majority of users are Caucasian, employed full-time, self-identified as heterosexual, and have personal incomes in excess of \$30,000USD per year. Transience is a key factor in male prostitute use. Men who are military personnel, truck drivers, seasonal workers, or conventioners are more likely to exploit children for sex.

Exploiters, mostly male, who profit from child prostitution (“pimps”) are mostly African American or Hispanic in the USA. Their ages range from 16 to mid-50s.¹¹⁰ Recent research found that at least 25% of exploiters were tied into citywide crime rings, 15% were involved in regional or nationwide networks, and approximately 10% were tied into international sex crime networks.¹¹¹ Many are also involved in drug trafficking and sales,

both for profit and to keep the children they exploit addicted so that it is difficult for them to leave their exploiters.

When I was a pimp I manipulated three girls into prostitution, by leading them to believe they were of no use to anyone but me. I think a person has to believe in themselves or they are vulnerable to this type of manipulation. Their self-esteem was very low, so it was easy to get them out there.

– Transvestite, started pimping at age 15¹¹²

Trafficking

Between 700,000 and 2 million women and children are trafficked across international borders each year.¹¹³ Approximately 45,000-50,000 women and children in the USA are trafficked annually, primarily by small crime rings and loosely connected networks.¹¹⁴ Victims have historically come from Latin America and Southeast Asia, though increasingly they are coming from the Newly Independent States and Central and Eastern Europe.¹¹⁵ Trafficking in human beings has been found to be the fastest growing criminal enterprise in the world, and the targets are typically poor, young, uneducated children and women.¹¹⁶ One reason for the increase is the weak economies and lack of job opportunities in the countries of origin of the victims. In July, 2001, a landlord from Berkeley, California, was sentenced to nearly 9 years in prison and ordered to pay \$2 million in restitution to the women and girls whom he had been bringing from India for sex and cheap labor for the last two decades.¹¹⁷

Under President Clinton, the President's Interagency Council on Women led the coordination of domestic and international policy on the trafficking in women issue. The Council formulated the following definition of trafficking:

“Trafficking is all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons; within national or across international borders; through force, coercion, fraud, or deception; to place persons in situations of slavery or slavery-like conditions, forced labor or services such as, forced prostitution or sexual services, domestic servitude, bonded sweatshop labor or other debt bondage.”¹¹⁸

Major ports of entry used by traffickers to move women and children into the USA include the following airports: Chicago's O'Hare, Los Angeles International, Miami International, New York City's JFK, and San Francisco International.¹¹⁹ Once inside the USA, women and children are moved around on a sex trade circuit that includes Houston, Las Vegas, Los Angeles, Miami, New York, Reno, San Francisco, and Seattle. Movement of exploited children is a common feature of CSEC. The goal of movement is twofold: by rotating children between cities and states, traffickers ensure a “fresh supply” of children for users as well as keep children rootless and unaware of local law enforcement contacts.¹²⁰

Poor, uneducated children are easy prey for traffickers and exploiters. Richard (1999) recounts one case where from February 1996 to March 1998, between 25 and 40 Mexican women and girls were trafficked to Florida and South Carolina for prostitution. Typical of trafficking situations, the exploiters offered false promises of jobs in landscaping, child care, and elder care, and had convinced the children's parents that the jobs were legitimate. In August 1998, an organized crime task force in Atlanta indicted 13

members of an Asian smuggling ring for trafficking up to 1,000 Asian women and girls between the ages of 13 and 25 for prostitution in Atlanta and other American cities. The women and girls were held in bondage until their \$30,000 to \$40,000 contracts were paid off.

National legislation pertaining to CSEC

Since the First World Congress in 1996, American legislators have made significant progress in criminalizing the actions of exploiters. The Child Pornography Prevention Act of 1996 amends the definition of child pornography to include that which actually depicts the sexual conduct of real minor children and that which appears to be a depiction of a minor engaging in sexual conduct. Computer, photographic, and photocopy technology is amazingly competent at creating and altering images that have been altered to look like children even though those photographed may have actually been adults. People who alter pornographic images to look like children can now be prosecuted under the law. State governments have taken a number of steps to prevent the sexual exploitation of children. Today, every state has enacted statutes that specifically address the problem of child pornography.

In 1998, Congress passed the Child On-Line Protection Act. The Act requires the operator of any website or online service directed to children that collects personal information from children or the operator of a website or online service that has actual knowledge that it is collecting personal information from a child: (a) to provide notice on the website of what information is collected from children by the operator, how the operator uses such information, and the operator's disclosure practices for such information; and (b) to obtain verifiable parental consent for the collection, use, or disclosure of personal information from children.

Legislative progress is being made against human trafficking in the USA. Congress passed the Victims of Trafficking and Violence Protection Act in October, 2000. The Act is designed to combat trafficking in persons, especially in the sex trade, slavery, and involuntary servitude, and to reauthorize certain Federal programs to prevent violence against women. The Act has specific provisions for the prevention of trafficking, the protection and assistance of victims of trafficking, minimum standards for the elimination of trafficking and assistance to foreign countries to meet those standards, actions such as withholding humanitarian aid against governments failing to meet those standards, actions against significant traffickers in persons, and strengthening the prosecution and punishment of traffickers. Assistance to victims includes the creation of a new visa category for trafficking victims, the T-visa, guaranteed for those under 18 or who cooperate with law enforcement in pursuing traffickers and would suffer extreme hardship and severe harm upon removal from the USA.¹²¹

Law enforcement

There is a contrast between the actual number of cases of juvenile prostitution and the numbers turned up from various studies. In 1999, there were only 1,300 arrests for prostitution and commercialized vice; 54% were girls and 14% were under the age of 15.¹²² In New Orleans, a recent study¹²³ found that child prostitution was not even a secret in some of the clubs in the French Quarter. However, a New Orleans Police Department spokesperson stated that in the last 3 years, only five prostitution cases have involved prostitutes younger than 18 years old.¹²⁴ One reason for the discrepancy is

that including prostitution as part of the charge made against juveniles would require law enforcement to place the children in an already overburdened child welfare system in addition to increased paperwork on the part of the police. Also, children who work for pimps carry fake IDs and claim to be older. There have also been instances of police collusion in cases of exploited children where police officers, for example, own clubs where children are being prostituted or participate in pimping. However, there is rarely evidence to support these claims, and what substantiation exists is primarily anecdotal. Another reason on the agency side is that shelters report that they are reluctant to ask children about their involvement in CSE and operate under a “Don’t ask, don’t tell” policy.¹²⁵ Lastly, there simply are not enough law enforcement personnel devoted solely to CSEC cases.

Prevention, protection, and recovery programs

Organizations work both to assist women and children out of prostitution and to prevent local youth from commercial sexual exploitation. For example, Sisters Offering Support (SOS), a private, non-profit organization located in Hawaii, provides prostitution prevention, protection, and recovery through education, public awareness, and legislative pressure. SOS is an affiliate member of ECPAT. Every year, 300-600 youth age 12-21 are educated on the dangers and realities of commercial sexual exploitation through the Youth Prevention Program.

A number of other groups around the country provide similar services, such as Girls Educational and Mentoring Services (GEMS), Helping Individual Prostitutes Survive (HIPS), and Standing Against Global Exploitation (SAGE). In New York City, GEMS serves young women at risk for future sexual exploitation and violence through workshops designed to educate youth about the realities of prostitution. It works with young women in the criminal justice system, the foster care system, and on the streets.

The HIPS organization is designed to end the cycle of abuse of sex workers on the streets, to work with them to improve their lives, and to give them tools to pursue a self-determined, independent, and productive way of living. Services by HIPS staff include: (a) outreach on the streets 9:00pm to 5:00am Friday and Saturday nights; (b) 800# hotline 24 hours per day; (c) Divas Against AIDS peer education program; (d) case management and referrals; (e) assistance acquiring legal documents; and (f) volunteer speakers’ bureau.¹²⁶

Founded by Norma Hotaling in 1993, SAGE is a nonprofit human rights organization based in San Francisco that offers peer counseling, holistic and traditional healthcare, and a mentorship program. Hotaling also co-founded the internationally renowned First Offender Prostitution Program (FOPP) as a constructive alternative for the prosecution of prostitution-related offenses. The mission at SAGE is to serve women, men, transgendered individuals, and children who are at risk of sexual exploitation, entry and/or recruitment into prostitution, and persons who have begun to adopt lifestyles that lead to exploitation and prostitution.¹²⁷

Illustrative of collaborative protection of children, the National Center for Missing and Exploited Children/Exploited Children’s Unit (ECU) was created through a mandate by the US Congress that authorized a cooperative agreement between the US Department of the Treasury and the NCMEC for the establishment of this unit. Prior to its creation, in cooperation with the US Customs Service, the NCMEC operated the Child Porn Tipline, via its telephone Hotline. The ECU is not an investigative agency, but rather a resource center and clearinghouse for the community and law enforcement.

The ECU is creating a database of law enforcement experts and law enforcement officers who have developed an expertise in investigating cases of child exploitation. Currently the database consists of more than 3,000 law enforcement contacts within the United States. The ECU is also developing a news-source database of articles addressing the areas of child pornography, sex tourism, child prostitution, and other child sexual exploitation issues. Additionally, the ECU has been working collaboratively with the US Customs Service, the US Postal Service, the US Department of Justice, and two specialized units of the Federal Bureau of Investigation to investigate the leads received on the NCMEC's Hotline.

Child pornography

The Internet is becoming central to the proliferation of CSEC. Child pornography is a multimillion-dollar industry in the USA. While the possession of child pornography is illegal, with the advent of the Internet and the exponential growth of its accessibility, finding and tracing child pornography producers, distributors, and customers is becoming increasingly difficult. Strides are being made, however, in the battle against online CSEC. A recent sting operation exposing the largest child pornography ring ever uncovered showcased the success that is possible when there is interagency cooperation. In August, 2001, the FBI, the US Customs Service, the US Postal Inspection Service, and the Dallas Police Department shut down an Internet company based in Ft. Worth, Texas, that provided its 250,000 subscribers with access to sexual images of children through websites based in Indonesia and Russia, and arrested 100 people.¹²⁸ According to authorities, the company grossed as much as \$1.4 million in a single month. The number of children involved is unknown, but regarding ages, a child as young as 4 years old was identified.¹²⁹

The Internet is not limited to bartering and selling images of exploited children. While the educational virtues and recreational merits are undeniable, Internet use by children makes them susceptible to online victimization and even actual physical and/or sexual abuse. In a recent study of Internet use by children, findings revealed that 19% of youth who used the Internet regularly were targets of unwanted sexual solicitation in the last year (N = 1501).¹³⁰ Sexual solicitation was defined as a request to engage in sexual activities or sexual talk or to give personal sexual information that was unwanted or, whether wanted or not, was made by an adult. Most vulnerable were girls, older teens, troubled youth, frequent Internet users, chat room participants, those who communicated online with strangers, and those who used the Internet at households other than their own.¹³¹ Troubled youth have a higher risk of solicitation, which suggests that youth who are alienated or depressed may be more vulnerable to online exploitation by strangers.¹³²

Role and involvement of the private sector

Private sector involvement to date has been scarce, but there are some examples. Some members of local chapters of the International Federation of Women's Travel Organizations have supported ECPAT and have helped to spread the word to others in the travel industry that child sex tourism is against the law. Major travel industry players have refused to get involved. In an effort to combat online CSEC, government officials from Austria and the USA convened an international conference, "Combating Child Pornography on the Internet" in Vienna in 1999. Since the bulk of Internet users and major Internet Service Providers are based in Europe and the USA, it was particularly critical that the USA and the European Union become involved in finding solutions to this

problem. Participants included officials from the Ministries of Interior and Justice, the judiciary, and the police, in addition to representatives of the Internet industry, particularly Internet Service Providers, international and regional organizations, NGOs and experts in the field. The objectives of the conference included strengthening cooperation among law enforcement agencies and the judiciary; establishing voluntary self-regulatory mechanisms (codes of conduct) among Internet Service Providers; and encouraging the creation of more hotlines (to provide a place for citizens to report leads on child pornography found online) and networking among existing hotlines.¹³³

Current/proposed solutions from all three countries

Proposed/pending legislation

Convention on the Rights of the Child including the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography

The adoption of the Convention on the Rights of the Child is nearly universal, missing only ratification by Somalia and the USA. While the USA signed on to the Convention on February 15, 1995, it has not been ratified.¹³⁴ Major provisions of the Convention on the Rights of the Child relating to CSEC include the protection of the child from all forms of sexual exploitation and sexual abuse (Article 34). For these purposes, States Parties shall take all appropriate national, bilateral and multilateral measures to prevent: (a) the inducement or coercion of a child to engage in any unlawful sexual activity; (b) the exploitative use of children in prostitution or other unlawful sexual practices; and (c) the exploitative use of children in pornographic performances and materials. The Convention also outlines all appropriate national, bilateral and multilateral measures States Parties will take to prevent the abduction of, the sale of or traffic in children for any purpose or in any form (Article 35).

In order to strengthen the States Parties' commitment to the protection of children, the United Nations General Assembly adopted the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography on May 25, 2000. Canada signed on to the Optional Protocol on June 5, 2000, and ratified it the following month on July 7, 2000. Mexico signed on to the Convention on September 7, 2000, but has not ratified it. The USA signed on to the Convention on July 5, 2000, but has not ratified it. The Optional Protocol will become a legally binding instrument on January 18, 2002 for the States that have ratified it. The Optional Protocol gives special emphasis to the criminalization of serious violations of children's rights such as the sale of children, illegal adoption, child prostitution, and pornography. Similarly, the text stresses the value of international cooperation as a means of combating these transnational activities, and of public awareness, information, and education campaigns to enhance the protection of children from these serious violations of their rights.¹³⁵

C182 Worst Form of Child Labour Convention, 1999 (Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour)

The Convention was ratified by the USA on December 2, 1999, by Canada on June 6, 2000, and by Mexico on June 30, 2000. Major provisions relating to CSEC include immediate and effective measures to secure the prohibition and elimination of the worst

forms of child labor by each member. The “worst forms of child labor” comprises: all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and work which is likely to harm the health, safety or morals of children.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime

Recognizing increased vulnerability of women and children and their specific needs for protection and support, UN Member States decided that the most appropriate way to deal with the problem was to elaborate a Protocol to the UN Convention against Transnational Organized Crime. The Protocol puts forward three purposes: (a) to prevent and combat trafficking in persons, paying particular attention to women and children; (b) to protect and assist victims of trafficking, with full respect for their human rights; and (c) to promote cooperation among the States in order to meet these objectives.¹³⁶ According to the Protocol, its primary purpose is to catch and prosecute the trafficker while simultaneously protecting the victim. Victims’ assistance is critical to law enforcement as he or she would provide the evidence necessary to successfully prosecute the trafficker. Assistance includes privacy protection, physical and psychological recovery, special requirements for children, and safety precautions.

Canada, Mexico, and the USA have signed on to this protocol; none has ratified it.¹³⁷

Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention against Transnational Organized Crime

The Protocol Against the Smuggling of Migrants by Land, Sea and Air is specifically designed to curtail the illegal movement of persons across international borders. It will establish international agreements for cooperation and enforcement that will prevent human smugglers from using international boundaries to escape justice. Signing countries are obliged to criminalize migrant smuggling and counteract methods used by smugglers by using proven deterrents such as enhancing travel document security. The Protocol also provides for international cooperation between law enforcement and other agencies to combat migrant smuggling, and will facilitate the return of smuggled migrants.¹³⁸ Canada, Mexico, and the USA signed on to this protocol in December, 2000; none has ratified it.¹³⁹

Private Sector

In addition to those private sector initiatives combating CSEC generated by Canada, Mexico, and the USA, an interesting example comes from the travel and tourism industry. The tourism industry as a whole can play a tremendous role in preventing sex tourism. The industry should make training available for employees on the extraterritorial legislation of consumer countries that prohibits travel abroad for the purpose of sex with

children. Travel agencies, airline companies, and hotels could educate their clients and employees about child prostitution or other forms of CSEC that they may witness during their travels as well as resources available that they can access for reporting abuse.¹⁴⁰ Several professional associations representing the international tourism industry (e.g., International Air Transport Association, International Federation of Tour Operators, International Hotels & Restaurant Association, and the Universal Federation of Travel Agents Association) have issued a number of tourism policy documents which directly address the issue of CSEC.¹⁴¹

To support the international community and tourism industry organizations in their battle against CSEC in tourism networks, the World Tourism Organization launched the online service “Child Prostitution and Tourism Watch”. This online service has up-to-date information on: (a) past and present activities, (b) partners’ tourism policy documents, (c) related statistics, (d) focal points at National Tourism Administration offices and related governmental bodies, (e) hotlines and emergency services at national and local level, and (f) enacted national and extra-territoriality laws, including penalties applicable in cases of sexual abuse of children in tourism.¹⁴²

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